

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16933 of 2004

Between:

Smt. Y. Padmaja, W/o. Sri Y. Kumar, F.P.Shop dealer,
Shameerpet Village, R.R. District.

..... PETITIONER

AND

- 1 The Joint Collector (Civil Supplies) R.R. District at Saifabad, Hyderabad.
- 2 The Revenue Divisional Officer, East Division, R.R. District at Maalakunta Road, Goshamahal, Hyderabad.
- 3 The M.R.O., Shameerpet, R.R. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings No. C/2223/2004 dt. 21-8-2004 issued by the 2nd respondent is illegal, arbitrary and set aside the same.

Counsel for the Petitioner: MR.BOLLAM LINGAIAH YADAV

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

ORDER:

Petitioner is the authorised dealer in respect of the Fair Price Shop of Shameerpet village and Mandal, Ranga Reddy District. The authorisation of the petitioner has been suspended by the second respondent-Revenue Divisional Officer, East Division, R.R.District, Hyderabad by proceedings dated 21-08-2004 pending enquiry into certain allegations, which is under challenge in this writ petition.

I have heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

Learned counsel for the petitioner contends that the impugned order, which was passed without affording any opportunity to the petitioner to rebut the allegations, is arbitrary and illegal and in violation of the principles of natural justice. He also contends that the allegations made against the petitioner are false and without any basis and at any rate they are trivial in nature and therefore, suspension of authorisation is not warranted.

It is to be noted that against the impugned order of suspension an alternative remedy is available under the statute by way of appeal before the Joint Collector. Admittedly, petitioner has already preferred an appeal before the Joint Collector, R.R. District at Saifabad, Hyderabad, and the same is pending. Since the statutory appeal is pending, I am not inclined to express any opinion with regard to the correctness of the allegations made against the petitioner or with regard to the validity of the impugned order. However, in view of the plea of the petitioner that the first respondent-Joint Collector, R.R. District at Saifabad, Hyderabad has not considered her appeal so far, and no orders have been passed even on her application for stay, I deem it appropriate to dispose of the writ petition with a direction to the first respondent- Joint Collector (Civil Supplies), R.R. District at Saifabad, Hyderabad to dispose of the application for stay in the appeal filed by the petitioner against the order of second respondent-Revenue Divisional Officer, East Division, R.R. District at Malakunta Road, Goshamahall, Hyderabad, dated 21-08-2004, and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of one week from the date of receipt of this order.

Accordingly, writ petition is disposed of. No costs.

21-09-2004

klp

To

- 1 The Joint Collector (Civil Supplies) R.R. District at Saifabad, Hyderabad.
- 2 The Revenue Divisional Officer, East Division, R.R. District at Maalakunta Road, Goshamahahal, Hyderabad.
- 3 The M.R.O., Shameerpet, R.R. District.
- 4 2CCs to G.P. for Civil Supplies, High Court building,
Hyderabad.(OUT).
- 5 2CD copies